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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/558,923

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John Albert Kembel

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04/19/2006

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EXAMINER

NGUYEN, CHAU T

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/558,923	KEMBEL ET AL.	
	Examiner	Art Unit	
	Chau Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/03/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Response to Election/Restriction, received on 03/04/2006, has been entered. Claims 51-56 are pending.

Election/Restrictions

2. Claims 57-67 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 03/02/2006.
3. Applicant's election of group I, claims 51-56 in the reply filed on 03/02/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (**MPEP § 818.03(a)**).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 51-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Furst, U.S. Patent No. 6,297,819.

6. As to independent claim 51, Furst discloses a method of providing Internet content to a user of a computing device, comprising:

receiving a request from a computing device (col. 4, lines 22-62: the user launches or requests the web browser from the user computer 120 ;

in response to the request, retrieving information comprising:

instructions usable by the computing device to present a frame, with associated controls, specifically designed to display certain web content outside of a window of a web browser program (col. 4, line 57 – col. 5, line 11: when the users request the web browser, the client 124 is initiated, the client 124 is a thin shell for an embedded web browser, whose function is to display web pages sent by the System or by component application tools (frames), the System and its component tools operate to create web pages that parallel or shadow actual web pages, which exist outside and independent of the System and its tool; Furst also discloses in col. 11, lines 19-28: application tools (frames) when opened, client tool window appears with controls allowing the user to add the context); and

an address from which said certain web content may be retrieved; and transmitting the information to the computing device (col. 7, lines 8-col. 8, line 4: the application tools will provide a reaction such as displayable output in HTML or DHTML and forward it to the user's client for display; the application tools (frames) includes elements such as a parallel page, profile, my-subscriptions page which provide URL links (col. 9, lines 40-47 and col. 10, lines 37-41).

7. As to dependent claim 52, Furst discloses wherein at least a portion of the information further comprises instructions for invoking a first process, resident on said computing device when invoked, the results of which being capable of display within the frame (col. 11, lines 55-64: when the tool is activated from the icon bar in a context that includes a fill-in web-based form, the tool autofills form with the information).

8. As to dependent claim 53, Furst discloses wherein at least a portion of the information defines a functionality and an appearance of the frame within which said certain web content may be presented (col. 9, line 9 – col. 12, line 65: each application tool has certain appearance shown by its tool user interface window which is defined by a web page or a wide variety of forms).

9. As to dependent claim 54, Furst discloses wherein the frame is one of a family of such frames, the family having certain common features and certain unique features, and the information further comprises those features unique to the frame (col. 9, line 9 –

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col. 12, line 65: each application tool has its own features such as discussion tool has a comments area for the bill board, navigation buttons and other controls, school application tool has window appears with controls allowing the user to add the context, etc...)

10. As to dependent claim 55, Furst discloses wherein the information further comprises instructions for creating an instance of the common features within and associated with the frame (col. 9, line 9 – col. 12, line 65: school application tool has window appears with controls allowing the user to add the context).

11. As to dependent claim 56, Furst discloses wherein each member of the family of such frames has associated therewith certain functionality, and wherein the information further comprises instructions usable by the computing device to invoke a second process capable of coordinating the functionality of the frames (col. 12, lines 45-55: web rings application tool allow the user to add web site to a collection of links, and the user can view the collections of links on a client tool window and use those links to browse to the sites themselves, and when the user opens such a link, the client causes a new web browser window to opened to display the site).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
4/14/2006